

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 93-cr-40050-JPG

DAVID REED,

Defendant.

MEMORANDUM AND ORDER

This matter comes before the Court on defendant David Reed's motion to reconsider the Court's May 14, 2010, order (Doc. 185) denying his motion for leave to proceed *in forma pauperis* (Doc. 180) in his appeal of the Court's April 21, 2010, order dismissing for lack of jurisdiction Reed's *pro se* motion for a reduction of his criminal sentence pursuant to 18 U.S.C. § 3582(c)(2) and United States Sentencing Guidelines Manual § 1B1.10 (Doc. 166) and granting his counsel's motion for leave to withdraw (Doc. 172). Reed should have filed his motion for reconsideration in the Court of Appeals as a motion for leave to proceed *in forma pauperis*, which is the next step in a party's effort to obtain pauper status on appeal after a district court has denied him permission. *See Fed. R. App. P. 24(a)(5)*. The Court **TRANSFERS** the pending motion (Doc. 185) to the Court of Appeals and finds that the motion (Doc. 185) is **MOOT** at the District Court level.

**IT IS SO ORDERED.
DATED: June 17, 2010**

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE